

# SENATE BILL 1078

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By: **Senator Dyson**

Introduced and read first time: March 5, 2012

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 9, 2012

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law – Absentee Ballots – Internet or Facsimile Transmission**

3 FOR the purpose of requiring a local board of elections to send certain voters an  
4 absentee ballot by the Internet or facsimile transmission under certain  
5 circumstances; requiring the State Board of Elections to provide an online ballot  
6 marking tool for certain voters to use to vote an absentee ballot, subject to a  
7 certain condition; requiring a local board of elections to provide certain voters  
8 with a certain envelope, oath, and instructions for completing and mailing an  
9 absentee ballot; requiring the State Board of Elections to report to certain  
10 committees of the General Assembly on or before a certain date concerning the  
11 implementation of this Act; and generally relating to absentee ballots.

12 BY repealing and reenacting, without amendments,

13 Article – Election Law

14 Section 1–101(q)

15 Annotated Code of Maryland

16 (2010 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Election Law

19 Section 9–306, 9–308, and 9–310

20 Annotated Code of Maryland

21 (2010 Replacement Volume and 2011 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Election Law**

4 1-101.

5 (q) “Disabled” means having a temporary or permanent physical disability.

6 9-306.

7 (a) Promptly after receipt of an application, the election director shall review  
8 the application and determine whether the applicant qualifies to vote by absentee  
9 ballot.

10 (b) (1) **[If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
11 **SUBSECTION, IF** the applicant qualifies to vote by absentee ballot, the local board  
12 shall send the ballot[:] **BY MAIL.**

13 (2) (I) **IF REQUESTED BY ~~A MILITARY OR OVERSEAS VOTER~~ AN**  
14 **ABSENT UNIFORMED SERVICES VOTER OR AN OVERSEAS VOTER, AS THOSE**  
15 **TERMS ARE DEFINED UNDER THE FEDERAL UNIFORMED AND OVERSEAS**  
16 **CITIZENS ABSENTEE VOTING ACT, THE LOCAL BOARD SHALL SEND THE BALLOT**  
17 **BY THE INTERNET OR FACSIMILE TRANSMISSION.**

18 (II) **IF REQUESTED BY A VOTER WITH DISABILITIES, THE**  
19 **LOCAL BOARD SHALL SEND THE BALLOT BY THE INTERNET, PROVIDED THAT**  
20 **THE VOTER ACKNOWLEDGES THAT DELIVERY BY THE INTERNET ~~IS NECESSARY~~**  
21 **TO ALLOW WILL ASSIST THE VOTER TO VOTE INDEPENDENTLY USING THE**  
22 **ACCESSIBLE BALLOT MARKING TOOL SPECIFIED UNDER ~~§ 9-308~~ 9-308(C) OF**  
23 **THIS SUBTITLE.**

24 (C) **THE LOCAL BOARD SHALL SEND THE BALLOT TO A QUALIFIED**  
25 **APPLICANT:**

26 (1) as soon as practicable after receipt of the request; or

27 (2) if the ballots have not been received from the printer, as soon as  
28 practicable after the local board receives delivery of the ballots.

29 **[(c)] (D)** (1) If the members of the local board determine that the  
30 applicant is not entitled to vote by absentee ballot, the local board shall notify the  
31 applicant as soon as practicable after receipt of the application of the reasons for the  
32 rejection.

1           (2)   (i)    The local board may delegate the determination under  
2 paragraph (1) of this subsection to the staff of the local board.

3                       (ii)   If the determination has been delegated, the applicant may  
4 appeal the rejection to the members of the local board, who shall decide the appeal as  
5 expeditiously as practicable.

6           **[(d)] (E)**   Not more than one absentee ballot may be issued to a voter unless  
7 the election director of the local board has reasonable grounds to believe that an  
8 absentee ballot previously issued to the voter has been lost, destroyed, or spoiled.

9 9–308.

10           (a)    A voter who requires assistance in casting an absentee ballot by reason of  
11 disability, inability to write, or inability to read the ballot may be assisted by any  
12 individual other than:

13                       (1)    a candidate who is on that ballot;

14                       (2)    the voter’s employer or an agent of the employer; or

15                       (3)    an officer or agent of the voter’s union.

16           (b)    An individual rendering assistance under this section shall execute a  
17 certification as prescribed by the State Board and included in the instructions under §  
18 9–309 of this subtitle.

19           **(c)   (1)    THE STATE BOARD SHALL PROVIDE AN OPTIONAL ONLINE**  
20 **BALLOT MARKING TOOL FOR A VOTER WITH DISABILITIES AND FOR ~~A MILITARY~~**  
21 **~~OR AN ABSENT UNIFORMED SERVICES VOTER OR AN OVERSEAS VOTER WHO~~**  
22 **ELECTED TO HAVE THE ABSENTEE BALLOT SENT BY THE INTERNET.**

23                       **(2)    UNLESS REQUIRED BY THE UNITED STATES ELECTION**  
24 **ASSISTANCE COMMISSION, THE ONLINE BALLOT MARKING TOOL IS NOT**  
25 **SUBJECT TO THE CERTIFICATION REQUIREMENTS SPECIFIED UNDER THIS**  
26 **TITLE.**

27 9–310.

28           (a)    **(1)    THIS SUBSECTION APPLIES ONLY TO AN ABSENTEE BALLOT**  
29 **THAT IS SENT BY MAIL.**

30                       **(2)    An absentee ballot shall be enclosed in specially printed envelopes,**  
31 **the form and content of which shall be prescribed by the State Board.**

1           **[(b) (1) (3) (I)]** A local board may use either two envelopes or three  
2 envelopes.

3           **[(2) (II)]** If two envelopes are used, the inner envelope shall be  
4 designated the “ballot/return envelope”, and, when issued, it shall fit inside the  
5 envelope designated the “outgoing envelope”.

6           **[(3) (III)]** If three envelopes are used, the innermost envelope shall be  
7 designated the “ballot envelope”, which shall fit inside the envelope designated the  
8 “return envelope”, both of which, when issued, shall fit inside the envelope designated  
9 the “outgoing envelope”.

10          **[(c) (4)]** When voted and returned to the local board, an absentee ballot  
11 shall be enclosed in a ballot envelope or ballot/return envelope, on which has been  
12 printed an oath prescribed by the State Board.

13          **(B) IF AN ABSENTEE BALLOT IS SENT BY THE INTERNET OR FACSIMILE**  
14 **TRANSMISSION, THE LOCAL BOARD SHALL PROVIDE THE VOTER WITH AN**  
15 **ENVELOPE TEMPLATE, THE OATH PRESCRIBED BY THE STATE BOARD, AND**  
16 **INSTRUCTIONS FOR COMPLETING AND MAILING THE ABSENTEE BALLOT.**

17          SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 31,  
18 2013, the State Board of Elections shall report to the Senate Education, Health, and  
19 Environmental Affairs Committee and the House Committee on Ways and Means, in  
20 accordance with § 2-1246 of the State Government Article, on the implementation of  
21 this Act.

22          SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
23 effect June 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.